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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,902	05/16/2007	Katsuki Asagiri	740165-443	8304

25570 7590 04/03/2009  
ROBERTS MLOTKOWSKI SAFRAN & COLE, P.C.  
Intellectual Property Department  
P.O. Box 10064  
MCLEAN, VA 22102-8064

EXAMINER
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HAUGLAND, SCOTT J

ART UNIT	PAPER NUMBER
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3654

NOTIFICATION DATE	DELIVERY MODE
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04/03/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lgallaugh@rmsclaw.com  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/594,902	<b>Applicant(s)</b> ASAGIRI ET AL.	
	<b>Examiner</b> Scott Haugland	<b>Art Unit</b> 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language of claim 4, lines 22-23 appears to be inaccurate since the clutch (defined in claim 4 to include the case 101, 102) is not supported at both ends by the case at both ends of a spindle. One end of the clutch is supported by 133 rather than by case 102. Note Fig. 3. Additionally, the clutch is supported at only one end of the spindle defined by 110 (Fig. 3) and at only one end of spindle 133 (of rotor 124) (Fig. 3).

The language "one of the axis directions" in claim 5, line 11 is unclear or inaccurate. It appears to refer to a direction of rotation about the axis of the spool/clutch.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3654

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4, 5, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Mori et al (JP 2004-42782).

Mori et al (note U.S. equivalent 2004/0075008) discloses a webbing retractor including a spool 20 on which webbing 28 for restraining a vehicle occupant is wound, a motor 44, and a clutch 90. The clutch comprises: a case (one or more of 92 and 98), a rotating body (gear wheel 102 or 102 and rotor 92), a slider 146 held on the case by friction with at least ring 170, and a lock bar 130 urged by spring 158 in a direction in which it engages the spool (through ratchet 112). The rotating body is supported by the case and the clutch is rotatably supported by the case at both ends of a spindle 114. The clutch includes a spring pawl 182 interposed between the gear wheel 102 and the rotor 92 to connect them.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mori et al (JP 2004-42782).

Mori et al is described above. Additionally, Mori et al discloses a resin element (spacer) 118 on one side of ratchet 112 and a plate-shaped element 142 and friction ring 170 on the other side.

Mori et al does not disclose that the ratchet is surrounded by resin material.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the plate-shaped element 142 or ring 170 of resin or to provide a resin spacer element on the side of ratchet 112 opposite to 118 to reduce friction, wear, and noise as suggested by the provision of resin element 118 that engages ratchet 112. The ratchet in the modified apparatus would be surrounded by resin material.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mori et al (JP 2004-42782) in view of Mori et al (JP 2004-42776).

Mori et al '782 is described above.

Mori et al '782 does not disclose that the spring pawl is formed in a ring shape and equipped with a cover portion.

Mori et al '776 teaches forming a spring pawl 222 in a ring shape with a cover portion.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the clutch of Mori et al '782 with a spring pawl formed in a ring shape with a cover portion as taught by Mori et al '776 to facilitate assembly and provide more secure mounting of the spring pawl.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tanji (U.S. Pat. Appl. Pub. No. 2003/0122020), Honl et al (U.S. Pat. Appl. Pub. No. 2003/0052209), Tanaka et al (U.S. Pat. Appl. Pub. No. 2001/0045483), Fohl (U.S. Pat. No. 5,730,384), Dybro et al (U.S. Pat. No. 5,529,258), Schmidt et al (U.S. Pat. No. 5,522,564), and Takanashi et al (U.S. Pat. No. 4,980,591) are cited to further show webbing retractors having clutches between drive motors and webbing spools.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (571)272-6945. The examiner can normally be reached on Mon. - Fri., 10:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3654

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SJH/

3/25/09

/Peter M. Cuomo/

Supervisory Patent Examiner, Art Unit 3654